

## TEXAS COURT OF CRIMINAL APPEALS

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PD- 0636-19

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FILED  
COURT OF CRIMINAL APPEALS  
7/25/2019  
DEANA WILLIAMSON, CLERK

*Michael Hammack, Appellant v.*  
*State of Texas, Appellee*

**REQUEST FOR SUPPLEMENTAL REPORTER'S**  
**RECORD**

**TO THE HONORABLE JUSTICES OF SAID COURT:**

Now comes Michael Anthony Hammack, Appellant in the above styled and numbered cause, and moves this Court to grant this request for supplemental reporter's record and would show the following:

1. This case is on appeal from the 354<sup>th</sup> District Court, Hunt County, Texas;
2. The case below was styled *State of Texas vs. Michael Anthony Hammack*, Cause Number 32,355CR.
3. This appeal results from a conviction for the felony offense of interfering with child custody.
4. The judgement in this case was rendered on December 5, 2018.
5. The Sixth Appellate District Court of Appeals affirmed Appellant's conviction in an opinion issued May 30, 2019.

6. Appellant filed a Motion Requesting Court Appointed Attorney for Preparation of Petition for Discretionary Review on June 26, 2019. (Exhibit A).
7. On July 12, 2019, the Trial Judge of the 354<sup>th</sup> District Court signed an order denying Appellant's Motion to Appoint an Attorney for Preparation of Petition for Discretionary Review. (Exhibit B).
8. The supplemental records are necessary to the prosecution of Appellant's appeal because of the unique circumstances in Appellant's case.
9. Appellant requests this Honorable court to order the District Court of the 354<sup>th</sup> District Court to prepare a supplemental record containing the following:
  - Appellant's Motion to Appoint Attorney for Preparation of Petition for Discretionary Review filed on 6/26/2019;
  - Order Denying Appellant's Motion for Appointment of Attorney for Preparation of Petition for Discretionary Review signed on July 12, 2019.
10. The supplemental records are necessary to the prosecution of Appellant's appeal because of the unique circumstances in

Appellant's case.

**WHEREFORE, PREMISIS CONSIDERED,** Appellant prays that this Court would grant Appellant's request and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

JESSICA MCDONALD & ASSOCIATES, PLLC  
2900 Lee Street #100  
PO Box 9318  
Greenville, Texas 75404  
Phone: 903-458-9108  
Fax: 903-200-1359

/s/Jessica McDonald  
Jessica McDonald  
SBN: 24000994  
jessica@jessicamcdonaldlaw.com  
Attorney for Appellant

**CERTIFICATE OF SERVICE**

This is to certify that on July 24, 2019, a true and correct copy of the above and foregoing document was served on all parties or attorneys of record through the efiletexas website.

/s/ Jessica McDonald

NO. 32,355CR

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STATE OF TEXAS

§ IN THE

§

VS.

§ 354<sup>th</sup> DISTRICT COURT

§

MICHAEL HAMMACK

§ HUNT COUNTY TEXAS

**MOTION TO APPOINT COUNSEL FOR PREPERATION OF**  
**PETITION FOR DISCRETIONARY REVIEW**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Now comes Michael Hammack, Defendant in the above styled and numbered cause, and moves this Court to appoint an attorney to represent the Defendant for the purposes of filing a Petition for Discretionary Review with the Texas Court of Criminal Appeals. In support thereof, the Defendant would show the following:

1. This was appealed from the 354 Judicial District Court of Hunt County, Texas to the 6<sup>th</sup> Appellate District of Teas.

2. The case below was styled the STATE OF TEXAS vs. Michael Hammack, and numbered 32355CR.

3. The appellate case was styled Michael Anthony Hammack V. The State of Texas and numbered 06-18-00212-CR.

4. The 6<sup>th</sup> Appellate District Court affirmed the conviction of Defendant on May 30, 2019. See Attached Exhibit A.

5. The 6<sup>th</sup> Appellate District Court failed to give notice of said judgment to the Defendant or his Attorney on Appeal until June 20, 2019. See Attached Exhibit B.

6. Because time was of the essence by the time notice was provided by the 6<sup>th</sup> Court of Appeals, Attorney on appeal, Jessica McDonald, prepared a Motion to Extend Time to File PDR and filed same in the Court of Criminal Appeals on behalf of the Defendant.


7. The Petition for Discretionary Review is currently due on July 31, 2019.

8. Defendant requests this Honorable Court to appoint counsel to represent Defendant in the preparation of Petition for Discretionary Review.

9. Defendant would show that he has twice been found indigent by this court, as he was appointed court-appointed counsel to represent him at trial and again on appeal. Defendant would show this court that his economic position has not changed, except that he has been ordered to pay a \$10,000 fine and \$3,320 in court costs and attorney's fees by this court as a condition of probation.

**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that this Court grant this Motion to Appoint Counsel to Preparation of Petition for Discretionary Review, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,



Michael Hammack

**CERTIFICATE OF SERVICE**

This is to certify that on June 25, 2019, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Hunt County, Texas, by electronic service through the Electronic Filing Manager.

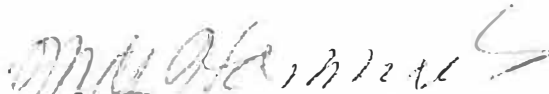
  
Michael Hammack

Exhibit A



**Court of Appeals  
Sixth Appellate District of Texas**

**J U D G M E N T**

Michael Anthony Hammack, Appellant

No. 06-18-00212-CR      v.

The State of Texas, Appellee

Appeal from the 354th District Court of  
Hunt County, Texas (Tr. Ct. No. 32355CR).  
Memorandum Opinion delivered by Chief  
Justice Morriss, Justice Burgess and Justice  
Stevens participating.

As stated in the Court's opinion of this date, we find no error in the judgment of the court below. We affirm the judgment of the trial court.

We note that the appellant, Michael Anthony Hammack, has adequately indicated his inability to pay costs of appeal. Therefore, we waive payment of costs.

RENDERED MAY 30, 2019  
BY ORDER OF THE COURT  
JOSH R. MORRISS, III  
CHIEF JUSTICE

ATTEST:  
Debra K. Autrey, Clerk

Jessica McDonald

Exhibit B

**From:** Molly Pate <Molly.Pate@txcourts.gov>  
**Sent:** Thursday, June 20, 2019 1:52 PM  
**To:** Jessica McDonald; Rebekah Thonginh  
**Subject:** 06-18-00212-CR - Hammack v. State  
**Attachments:** 6-18-212-CR Hammack v. State Judgment.pdf; 6-18-212-CR Opinion.pdf

The notice was inadvertently not sent and delivered to the parties regarding the above referenced opinion and judgment on Hammack v. State. The Petition for Discretionary Review would be due 7/1/19.

Molly Pate



CK

NO. 32,355CR

STATE OF TEXAS

VS.

MICHAEL HAMMACK

§ IN THE

§

§ 354<sup>th</sup> DISTRICT COURT

§

§ HUNT COUNTY TEXAS

**ORDER ON**  
**MOTION TO APPOINT COUNSEL FOR PREPERATION OF**  
**PETITION FOR DISCRETIONARY REVIEW**

On 7/12, 2019 the Court came to consider Defendant's Motion to Appoint Counsel for Preparation of Petition for Discretionary Review. Defendant's

Defendant's Motion is hereby ~~XXXXXXXXXXXX~~ GRANTED / DENIED

Signed 7/12/19



Keli M. Aiken, Judge Presiding